

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BERRY METAL COMPANY,)
)
Plaintiff,) Civil Action No. 18-1024
)
v.) Judge Cathy Bissoon
) Chief Magistrate Judge Cynthia Reed Eddy
TODD G. SMITH,)
)
Defendant.))

MEMORANDUM ORDER

This case has been referred to Chief United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On May 10, 2019, the Magistrate Judge issued a Report (Doc. 38) recommending that Defendant's Motion to Dismiss (Doc. 12) be denied. Service of the Report and Recommendation ("R&R") was made on the parties, and Defendant has filed Objections.

See Doc. 40.

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following Order is entered: Defendant's Motion to Dismiss (**Doc. 12**) is **DENIED**, and the R&R is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

June 11, 2019

s\Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record